

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES GUNN,

Petitioner,

Case No. 15-cv-13776  
Hon. Matthew F. Leitman

v.

D. BERGH,

Respondent.

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**ORDER DENYING MOTION FOR RECONSIDERATION (ECF #18)**

Petitioner James Gunn filed Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. §2254. (ECF #1.) By order dated October 18, 2018, this Court denied the Petition and declined to issue a certificate of appealability. (ECF #16.) Gunn has now filed a motion for reconsideration of the Court's order. (ECF #18.)

Motions for reconsideration in this Court are governed by Local Rule 7.1(h). Under that rule, "[a] motion for rehearing or reconsideration must be filed within 14 days after entry of the judgment or order." E.D. Mich. Local Rule 7.1(h)(1). In addition:

Generally, and without restricting the Court's discretion, the Court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the Court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the Court and the parties and

other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. Local Rule 7.1(h)(3).

The Court has carefully reviewed Gunn's motion for reconsideration. Gunn has failed to demonstrate that the Court's order is tainted by a palpable defect. For that reason, Gunn is not entitled to reconsideration. Accordingly, the motion for reconsideration is DENIED.

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: January 3, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 3, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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